



Entered on Docket
October 13, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING FOURTH OMNIBUS OBJECTION OF USACM TRUST TO PROOFS OF CLAIM BASED UPON INVESTMENT IN BAR USA LOAN

Hearing Date: October 5, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

EXHIBIT A

The Court having considered the “Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7346], (the “Objection”); with appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED:

1. The Objection is sustained; and
2. The claims listed in **Exhibit A** based upon a Direct lender investment in the BarUSA loan are disallowed in their entirety.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)
Rob Charles
John Hinderaker (*pro hac vice*)
Marvin Ruth
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone: (702) 949-8200
Facsimile: (702) 949-8398
Attorneys for USACM Liquidating Trust

1 In accordance with Local Rule 9021, the undersigned certifies:

2 The Court waived the requirements of LR 9021.

3 No parties appeared or filed written objections, and there is no trustee appointed

4 in this case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the

6 hearing, any unrepresented parties who appeared at the hearing, and any trustee

7 appointed in this case, and each has approved or disapproved the order, or failed

to respond, as indicated below (list each party and whether the party has

approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker (*pro hac vice*)

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-00686	Ward Ira, Susan J	26077 Charing Cross Rd Valencia, CA 91355-2029	60,000.00	60,000.00
10725-01786	Worthing, Ralph E & Maryanne H	443 Arboles Dr Bishop, CA 93514	20,430.00	20,430.00

EXHIBIT A

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